

# Every Student Succeeds Act: Ensuring Educational Stability for Children and Youth in Foster Care in North Carolina

North Carolina Division of Social Services and  
North Carolina Department of Public Instruction  
Joint Guidance

On June 23, 2016, the U.S. Department of Education and the U.S. Department of Health and Human Services issued a document entitled, “Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care.” (“Federal Guidance”). Portions of this guidance is based on and excerpted from the federal guidance. This guidance also excerpts portions of guidance issued by the American Bar Association’s Legal Center for Foster Care & Education on the implementation of ESSA and Fostering Connections.

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# Joint Guidance on Ensuring Education Stability and Success for Foster Youth

## Background

Children in foster care are often a vulnerable and highly mobile student population. More than half of the children in foster care in North Carolina are in elementary or secondary schools.<sup>1</sup> Of those school-aged children in foster care in NC between April 2015 and March 2016, 25% experienced two school placement changes, 14% experienced three school placement changes, and 23% experienced four or more school placement changes within the duration of their placement episode.<sup>1</sup>

Children in foster care experience much higher levels of residential and school instability than their peers and experience significantly more unscheduled school placement changes and are much more likely than their peers to struggle academically and to fall behind in school. Those in foster care at age 17 are also significantly less likely to graduate from high school or obtain post-secondary education.<sup>2</sup> One large study found that children in foster care score lower on assessments and show less progress in scores over time compared to peers of similar backgrounds who are not in foster care.<sup>3</sup>

## Purpose

The purpose of this joint guidance is to increase educational stability and improve educational outcomes for children served by the foster care system in North Carolina. This guidance seeks to decrease the number of school placement changes that take place and to ensure immediate enrollment of the foster child when a school placement change is necessary.

Since the 2008 passage of the [Fostering Connections to Success and Increasing Adoptions Act of 2008](#)<sup>4</sup> (Fostering Connections), there has been an increased need for collaboration between child welfare agencies and education agencies. This guidance details the respective roles of the state and local child welfare agencies and education agencies as required with the 2015 passage of the [Every Student Succeeds Act](#) (ESSA) and lays a groundwork for joint responsibility and continuous collaboration between agencies.

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<sup>1</sup> On the Civil Side, UNC School of Government, *School Stability for Children in Foster Care*, available at <http://civil.sog.unc.edu/school-stability-for-children-in-foster-care/>.

<sup>2</sup> National Youth in Transition Database. Unpublished analyses (April 2016). Administration on Children, Youth and Families, HHS.

National Center for Education Statistics (2014). Digest of education statistics, 2014 - table 104.40. Retrieved from [https://nces.ed.gov/programs/digest/d15/tables/dt15\\_104.40.asp?current=yes](https://nces.ed.gov/programs/digest/d15/tables/dt15_104.40.asp?current=yes).

<sup>3</sup> Frerer, K.; Sosenko, L.D.; Pellegrin, N.; Manchik, V.; & Horowitz, J. (2013). Foster youth stability: A study of California foster youths' school and residential changes in relation to education outcomes. Retrieved from <http://www.iebcnow.org/IEBCPublicFiles/iebc.public/67/67e52ff2-4b46-4afa-8133-ba223aa80c33.pdf>.

<sup>4</sup> HR 6893

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## Legislative Framework and Joint Federal Guidance

Fostering Connections, the first federal law addressing the importance of educational stability for children in foster care, requires CWAs to create a plan for ensuring the educational stability of each child while in foster care. The CWA must make assurances that the child's foster care placement takes into account the appropriateness of the current educational setting and the proximity of that placement to the school of origin. Fostering Connections further requires CWAs to coordinate with local educational agencies (LEAs) to ensure that a child in foster care remain in his or her school of origin unless it is not in the child's best interest to do so. Fostering Connections provides that foster care maintenance payments under Title IV-E<sup>5</sup> can include reasonable travel for a child to remain in the school in which the child is enrolled at the time of foster care placement. If remaining in the school of origin is not in the child's best interest, Fostering Connections provides that the child be immediately enrolled in a new school and records be promptly transferred to the new school.

ESSA reauthorized the 1965 Elementary and Secondary Education Act (ESEA) and includes new provisions that promote educational stability for children in foster care. These provisions, which took effect on December 10, 2016, complement those in Fostering Connections and require state educational agencies (SEAs) and LEAs to work with CWAs to ensure the educational stability of children in foster care. ESSA does not create new legal requirements for child welfare agencies; rather it mirrors and enhances the responsibilities of CWAs under Fostering Connections and creates joint agency responsibility and continuous collaboration.

ESSA requires SEAs to include in their state plans the steps that the agencies will take to ensure school stability for children in foster care, including assurances that children enroll or remain in their school of origin unless a determination is made that it is not in their best interest. That determination must be based on all factors relating to the child's best interest including consideration of the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of the foster care placement.

Under ESSA, state education plans must now include the steps the state will take to ensure that when a school change is warranted, a child in foster care can enroll immediately in a new school even if the child cannot produce normally required enrollment documents and school records. Additionally, enrolling schools must immediately contact the school last attended by the child to obtain relevant academic and other education records.

LEAs and CWAs must collaborate and under ESSA, LEAs must include in their local plans assurances that they have developed and implemented clear written procedures governing how transportation to ensure school stability will be provided, arranged, and funded for the duration of the child's time in foster care in a cost-effective way.

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<sup>5</sup> Title IV-E of the Social Security Act (42 U.S.C. §§ 671-679b)

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Also under ESSA, every SEA must include in its state plan the steps it will take to ensure collaboration with the state child welfare agency (the North Carolina Division of Social Services or The Division), including designating an employee to serve as a point of contact (POC) for child welfare agencies and to oversee implementation of the foster care provisions of ESSA. The POC must be someone other than the state McKinney-Vento State Coordinator.

ESSA also requires LEAs to include in their local plans assurances that they will collaborate with local CWAs and that when a CWA notifies the LEA that it has a POC for the education of children in foster care, the LEA must designate a corresponding POC.

Lastly, ESSA requires SEAs to report annually on student achievement and graduation rates for students in foster care. In order to implement this requirement, education and child welfare agencies will need to work together to ensure effective, appropriate, and confidential data and information sharing between systems.

On June 23, 2016, the U.S. Department of Education and the U.S. Department of Health and Human Services issued a document entitled, “[Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care.](#)” (Federal Guidance). This North Carolina Joint Guidance document follows the recommendations included in the federal guidance.

On [Dec. 5<sup>th</sup>, 2016, the U.S. Department of Education \(ED\) issued a Dear Colleague Letter to Chief State School Officers](#) which states “To facilitate a smooth transition to the new foster care educational stability requirements under Title I, the ED placed a condition on each SEA’s fiscal year (FY) 2016 Title I grant award that requires each State to ensure that it implements requirements under ESEA sections 1111(g)(1)(E) and 1112(c)(5)(B) by no later than December 10, 2016.”

### Who is covered by this guidance?

This guidance applies to all children in foster care enrolled in public schools in the state. According to the Code of Federal Regulations, foster care means 24-hour substitute care for children placed away from their parents or guardians and for whom the agency has placement and care responsibility.<sup>6</sup> This includes but is not limited to, placements in family foster homes, relative placements, therapeutic foster homes, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes.<sup>7</sup> A child is in foster care in accordance with this definition regardless of whether the foster care facility is licensed and payments are made by the state, tribal, or local agency for the care of the child, whether adoption subsidy payments are being made prior to finalization of an adoption, or whether there is federal matching of any payments that are made.<sup>8</sup>

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<sup>6</sup> The Administration on Children, Youth And Families, Foster Care Maintenance Payments, Adoption Assistance, And Child And Family Services 45 CFR § 1355.20

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

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## What is the School of Origin?

The school of origin means the school in which a child is enrolled at the time of the placement in foster care. If a child's foster care placement changes, the school of origin would be the school in which the child is enrolled at the time of the foster care placement change.

## Notification of Foster Care Placement Change

Whenever a child initially enters the custody of a county CWA or whenever a child currently in the custody of a county CWA requires a foster care placement change, the following must occur:

1. The county CWA, as required by Fostering Connections, shall ensure that every child's case plan includes assurances of the appropriateness of the educational setting and proximity of school placement.
2. A Best Interest Determination (BID) meeting regarding the child(ren)'s school placement shall occur and be documented on the BID form. Whenever possible this BID meeting should be combined with the CWA Child and Family Team (CFT) meeting that is held prior to a county CWA assuming custody or making a foster care placement change.
3. The CWA social worker shall notify their CWA POC and involve that CWA POC as needed.
4. The CWA shall provide the completed Notification of Placement form to the school within one day of foster care placement (or foster care placement change). Delivery of the Notification of Placement form may be made by either the CWA or the foster care placement provider. The Notification of Placement form will serve to:
  - a. Alert the LEA that the child has entered foster care or had a foster care placement change;
  - b. Request the child's comprehensive education records pursuant to the Uninterrupted Scholars Act;<sup>9</sup> and
  - c. Initiate scheduling a BID meeting if the BID meeting did not occur prior to the foster care placement or placement change.
5. Upon receipt of the Notification of Placement form, the school must notify their LEA POC. The LEA POC is responsible for contacting the school transportation personnel and other school resources as needed (e.g., school social worker, counselor, Individual Education Plan (IEP) team members, etc.).
6. Until school transportation can be arranged by the school, the CWA is responsible for arranging transportation for the child to and from the foster care placement and his or her school of origin, unless the child's foster care placement is on an existing transportation route for the school of origin. In this case, the LEA is responsible for school of origin transportation.

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<sup>9</sup> S. 3472 (112<sup>th</sup>): Uninterrupted Scholars Act (USA)

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## Making the Best Interest Determination

Both Fostering Connections and ESSA require collaboration between education agencies and child welfare agencies to ensure school stability for children in foster care, including assurances that children enroll or remain in their school of origin unless a determination is made that it is not in their best interest. The decision as to what is in the foster child's best interest shall take place at a BID meeting.

Scheduling of the BID meeting is the responsibility of the CWA social worker. If possible, the social worker should collaborate with the LEA to schedule a BID meeting as part of the CFT meeting prior to the child(ren) entering nonsecure custody or a foster care placement change. The social worker must work with the LEA to notify all participants. The CWA shall also discuss with the child the purpose of the meeting, prepare the child for the meeting (unless it is determined that the child should not attend the meeting), and assist the child in the identification of a supportive adult who the child would like to attend the meeting. A supportive adult identified by the child may accompany the child to and participate in the BID meeting or attend and participate on behalf of the child if requested by the child.

When the BID does not occur prior to foster care placement (or foster care placement change), it must occur within three school days of the LEA's receipt of the Notification of Foster Care Placement form. For children entering CWA custody and in counties that hold a Child Planning Conference or Day One Conference, the BID meeting should be held at the same time whenever possible. The Notification of Foster Care Placement form provided to the LEA will include information about the BID meeting time and location.

In making the determination as to whether it is in the child's best interest to remain in his or her school of origin, the CWA and LEA must consider the **appropriateness of the current educational setting and proximity of foster care placement**. In addition, the CWA and LEA should consider all factors relating to a child's best interest. These factors may include:

- Preferences of the child;
- Preferences of the child's parent(s) or education decision maker(s);
- The child's attachment to the school, including meaningful relationships with staff and peers;
- Placement of the child's sibling(s);
- Influence of the school climate on the child, including safety;
- The availability and quality of the services in the school to meet the child's educational and socioemotional needs;
- History of school transfers and how they have impacted the child;
- How the length of the commute would impact the child, based on the child's developmental stage;

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- Whether the child is a student with a disability under the Individuals with Disabilities Education Act (IDEA) who is receiving special education and related services or a student with a disability under Section 504 who is receiving special education or related aids and services and, if so, the availability of those required services in a school other than the school of origin; and
- Whether the child is an English Learner (EL) and is receiving language services, and, if so, the availability of those required services in a school other than the school of origin, consistent with Title VI and the Equal Educational Opportunities Act (EEOA).

### **Transportation costs should NOT be considered when determining a child's best interest.**

The BID meeting should take place prior to a child's entry into foster care or foster care placement change, if possible, or if not, as soon as possible following. The CWA and LEA should strive to include and consult with other relevant parties whose participation in the BID meeting would benefit the child. The following parties should be invited to attend the BID meeting:

- The CWA POC and/or the social worker with the most information about child;
- The LEA POC and/or the representative from the school of origin who has the most knowledge about the child and who is best able to provide feedback on significant relationships the child may have formed with staff and peers and how changing schools would impact the child's academic, social, and emotional well-being. Based on the child and the individual circumstances, this could be a teacher, counselor, coach, another meaningful person in the child's life, or any or all of the above.
- If the child has an IEP or a Section 504 Plan, the relevant school staff members who could speak to the special needs of the child also should be invited to participate.
- If the child is an EL (English learner), a student identified as having limited English proficiency in speaking, listening, reading, or writing English, other relevant school staff may need to participate.
- The child, depending on age;
- Foster parents, when appropriate;
- Biological parents, guardians, or custodians when appropriate;
- Education decision maker(s);
- Relatives of the child with perspective on which school the child should attend while in foster care; and
- The child's court appointed Guardian ad Litem (GAL), or a representative from the appropriate GAL program.

All of the above parties should be represented at the BID meeting to ensure that all factors are considered in making the best interest determination. However, the meeting must be held as soon as possible even if all parties are not able to attend.



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The outcome of the BID meeting should be:

- Selection of the school based on the child's best interest,
- Identification of the transportation mode (if there is adequate information), and
- Clear tasks for follow up, as needed, including transportation funding, or new enrollment.

The CWA social worker should use the BID form to document the BID meeting.

It is presumed that when a CWA places a child in foster care or in a new foster home, the child will continue to attend his or her current school. Rare exceptions may exist when a change in the school placement is necessary for emergency foster care placements or placement changes. A change in school placement should only occur before the BID meeting when it is detrimental to the child's best interest to remain in his or her school of origin and a school placement change is necessary before a BID meeting can be held. In the unusual situation where a school placement change decision is made by a CWA prior to a BID meeting, the CWA director (or designee) must approve the decision.

### Best Interest Determination Dispute Resolution

CWAs and LEAs each bring valuable perspectives to the BID process. Recognizing this, both the Fostering Connections Act and Title I of ESEA, require coordination among agencies to ensure the educational stability of children in foster care.

Given these coordination requirements, the relevant agencies should make every effort to reach agreement regarding the appropriate school placement of children in foster care. However, if there is disagreement regarding school placement for a child in foster care, the CWA makes the final decision for the BID. The CWA is uniquely positioned to assess vital non-educational factors such as safety, sibling placements, the child's permanency goal, and the other components of the case plan. The CWA also has the authority, capacity, and responsibility to collaborate with and gain information from multiple parties, including parents, children, schools, and the court in making these decisions.

If a child, parent, guardian, or custodian disagrees with the BID, an informal review by the CWA director may be requested in writing within three days of the BID. If requested, the CWA director, in collaboration with the CWA POC, shall review the BID and affirm or reverse the decision.

To minimize disruptions and reduce the number of moves between schools, the CWA must ensure that a child remains in his or her school of origin, with transportation as needed, while any best interest disputes are being resolved. The LEA must ensure that the child remains enrolled in the school of origin while any best interest disputes are resolved.

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## Transportation Procedures

Some children in foster care will need transportation to remain in their schools of origin when it is in their best interest. LEAs and CWAs must collaborate to develop and implement clear written procedures governing how transportation to maintain children in foster care in their schools of origin, when in their best interest, will be provided, arranged, and funded for the duration of the child's time in foster care. These procedures must ensure that:

- Children in foster care needing transportation to their schools of origin will promptly receive that transportation in a cost-effective manner and in accordance with section 475(4)(A) of the Social Security Act; and
- If there are additional costs incurred in providing transportation to the school of origin, the LEA will provide such transportation if (1) the local CWA agrees to reimburse the LEA for the cost of such transportation; (2) the LEA agrees to pay for the cost; or (3) the LEA and local CWA agree to share the cost.

Since children may be placed in foster care placements across district, county, or state lines, coordination among multiple LEAs and CWAs may be necessary. Thus, in developing the transportation procedures, LEAs should also work with CWAs to establish inter-district and inter-state procedures that address potential transportation issues that may arise as students in foster care move from one district to another or across state lines.

LEAs and CWAs should explore the full range of options for providing and funding transportation to maintain a child in his or her school of origin, consistent with the child's educational stability plan. A child in foster care needing transportation to the school of origin should receive such transportation for the duration of time the child is in foster care. When a child exits foster care, the CWA and LEA should continue to prioritize the child's educational stability, consider each child's best interest on a case-by-case basis, and, when possible, make every effort to continue to ensure transportation is provided through the end of the school year, if needed, when remaining in the school of origin would be in the child's best interest.

Section 475(4)(A) of the Social Security Act defines "foster care maintenance payments" which includes the cost of reasonable travel for children in foster care to their school of origin. Therefore, if a child is receiving a Title IV-E foster care maintenance payment, the Title IV-E agency is permitted to include the reasonable costs of transportation for that eligible child. Thus, in determining whether transportation is "cost-effective," an LEA must consider the reasonableness of those costs. In doing so, an LEA should consider a variety of factors, including cost, distance, and length of travel, as well as whether the mode of transportation is developmentally appropriate for the child.

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The LEA and CWA should consider whether transportation can be provided for minimal or no additional costs. Examples of no-cost or low-cost options for transportation include whether:

- The child may be dropped off at a school bus stop near the existing transportation system for the school of origin;
- Public transportation options exist, if the child is of an appropriate age and has or is able to acquire the skills to utilize such options;
- The foster parents or other family member(s) are willing and able to transport the child to school;
- There are pre-existing bus routes or stops close to the new foster care placement that cross district boundaries, such as bus routes for magnet schools and transportation for homeless students as required by the McKinney-Vento Act; and
- The child is already eligible for transportation covered by other programs. For example, IDEA funds may be used to pay for transportation services if the child's IEP Team determines transportation is a related service that is required in order for a child with disabilities in foster care to receive Free Appropriate Public Education (FAPE).

As part of developing and implementing its transportation procedures, an LEA must address any **additional costs** incurred in providing transportation to maintain children in foster care in their schools of origin. Additional costs should reflect the difference between what an LEA would spend to transport a student to his or her assigned school and the cost of transporting a child in foster care to his or her school of origin. For example, if the LEA provides transportation through an established bus route, there is no additional cost. If the LEA provides special transportation (e.g., through a private vehicle or transportation company) for the child in foster care, the difference between the special transportation costs and the usual transportation costs can be considered additional. If the LEA must re-route buses to transport a child in foster care to the school of origin, the cost of this rerouting can be considered an additional cost.

The LEA and CWA should make every possible effort to reach agreement regarding how the additional cost of transportation should be funded. Transportation is a central component of educational stability and may be needed in order to fulfill the requirements that both LEAs and CWAs ensure educational stability for children in foster care; thus, both agencies must collaborate regarding necessary transportation, so that a child in foster care may remain in his or her school of origin. The LEA and CWA should consider and utilize all allowable funding sources, including federal funds, to cover additional transportation costs. Maximizing all possible funding sources in this manner will help ensure that transportation costs for children in foster care do not become unduly burdensome on any one agency.

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Title IV-E Federal funds are available to assist with additional transportation costs for children who are eligible for Title IV-E foster care maintenance payments. Specifically, the cost of reasonable travel for a child in foster care to remain in his or her school of origin may be included in the Title IV-E foster care maintenance payment. Child welfare agencies receiving Title IV-E funds have discretion in determining what is considered reasonable travel, and may take into account factors such as cost, distance, and duration of travel. As with any cost enumerated in the definition of foster care maintenance payments, the child welfare agency may decide which of the enumerated costs to include in a child's foster care maintenance payment. In addition, transportation costs associated with the child's attendance at his or her school of origin are allowable foster care administrative costs under Title IV-E.

In addition, an LEA may use Title I funds to pay for additional costs needed to transport children in foster care to their schools of origin. However, Title IA funds reserved for homeless children and youth may not be used to serve children in foster care.

LEAs and CWAs should work to develop procedures to address how the requirement to provide transportation will be met even if the agencies cannot agree on how to fund additional transportation costs. If the LEA and CWA are unable to reach agreement on funding within 30 days from the day the notification or enrollment form was received by the school, the disagreement should be referred to the state level POCs for the Division of Social Services and the Department of Public Instruction (DPI). If the state level POCs are unable to reach agreement on transportation funding within another 30 days, the LEA and the CWA must split the cost.

While a dispute is being resolved, the LEA must ensure that a child receives transportation to the school of origin, including funding that transportation.

An LEA must ensure that transportation is provided for children in foster care consistent with the procedures developed by the LEA in collaboration with the CWA. These requirements apply whether or not the LEA already provides transportation for children who are not in foster care. For example charter schools must provide transportation to the school of origin for a child in foster care even if the school does not transport other students.

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### Immediate Enrollment

Children in foster care who change schools may not have the documentation required to enroll in a new school. This along with the failure of schools to promptly transfer records to the new school can lead to enrollment delays. These delays often negatively impact attendance and can lead to other adverse consequences, such as being enrolled in incorrect classes and not receiving the appropriate academic services. When a determination is made that remaining in the school of origin is not in a child's best interest, LEAs must ensure the child is immediately enrolled in his or her new school even if the student does not have the required documentation.

SEAs and LEAs should review and revise policies and practices to remove any barriers to immediate enrollment, records transfer, and attendance for children in foster care. In order to prevent educational discontinuity, immediate enrollment means that a child is enrolled in a new school as soon as possible and no later than the beginning of the next school day after the enrollment form with all required information and certifications was delivered to the school. Enrollment must not be denied or delayed because documents normally required for enrollment have not been provided.

Once a student is enrolled, the enrolling school must immediately contact the child's school of origin to obtain the relevant records and documentation, and the school of origin should immediately transfer those records. In addition to ensuring immediate enrollment, LEAs and CWAs should ensure that children in foster care are regularly attending and fully participating in school and that their educational needs are being met.

When a child requires enrollment in a new school, the CWA social worker or the foster care placement provider shall deliver the enrollment form to the new school within one school day of the foster care placement or foster care placement change. The enrollment form provides all information required for the CWA to notify the school principal and/or school superintendent and for the school to immediately enroll the child.

Even when there was a previous BID meeting, an Educational Services meeting should be scheduled when a child is enrolled in a new school. The purpose of the meeting is to ensure the child has all required educational services and to discuss the child's school transition. Scheduling of a BID or ES meeting after enrollment in a new school is the responsibility of the CWA social worker. The social worker should collaborate with the LEA to schedule the BID/ES meeting within 30 days of the child's enrollment in a new school. Circumstances may dictate that this meeting be held much sooner. The social worker must work with the LEA POC to notify all participants. The county child welfare agency social worker should use the BID form to document the BID/ES meeting.

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## Points of Contact

ESSA requires each SEA to designate a POC to work with the state child welfare agency to oversee the implementation of the state responsibilities under the Title I educational stability provisions for children in foster care. This POC must not be the same person as the State Coordinator for the Education of Homeless Children and Youths under section 722(d)(3) of the McKinney-Vento Homeless Assistance Act. The Title I foster care provisions emphasize the importance of collaboration between child welfare and educational agencies to ensure educational stability and improved outcomes for children in foster care. Identification of POCs at both the SEA and LEA level will ensure that the agencies can successfully work together on the implementation of Title I educational stability requirements. LEAs must designate a local POC for local child welfare agencies if the corresponding child welfare agency notifies the LEA, in writing, that the agency has designated a POC.

Although neither ESSA nor Fostering Connections requires state child welfare agencies to designate a point of contact (POC) for education agencies, the Division has elected to do so voluntarily in order to best ensure collaboration and implementation. Further, county CWAs are expected to designate a POC and to notify the appropriate LEAs in writing that they have done so.

POCs at both the state and local levels and for both child welfare and education should be designated in an expedited manner. The contact information for all POCs will be made public so that agencies can easily reach each other. In designating POCs, it is essential to ensure that each POC has sufficient capacity and necessary resources to fulfill his/her duties, considering the roles and responsibilities of the POC to facilitate the implementation of both Fostering Connections and the Title I educational stability requirements in ESSA.

### Selecting the Local Education Agency (LEA) Point of Contact (POC) for Foster Care

To identify the LEA foster care POC, the LEA should consider education professionals who:

- Have experience working with mobile student populations and a background in student support services, counseling, or social work;
- Are familiar with enrollment, records transfer, existing community services, and student supports;
- Understand the unique challenges of at-risk students, students in foster care, and students who have experienced abuse, neglect, and trauma; and
- Have the ability to leverage the support of LEA, school, and community leaders.

POCs will build capacity and infrastructure within their LEA to support students in foster care. Ideally, they will also coordinate with individual schools, community service agencies, caregivers, local colleges, and advocates involved with the child welfare system.

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## LEA POC Responsibilities

1. Notify DPI including the name, position, and contact information of the designated POC. Contact information will be posted online at (PROVIDE WEBSITE).
2. Inform school and LEA leaders of the POC appointment, thus increasing awareness and including information about the responsibilities of the POC, the importance of school stability, and the statutory requirements to support students in foster care.
3. Participate in training and support sessions provided by DPI and the North Carolina Department of Health and Human Services (DHHS).
4. Collaborate with local child welfare agencies, specifically with the CWA POC, to develop local processes and procedures that will:
  - Identify the documents or records to be shared between agencies.
  - Create specific processes that will be implemented to ensure ongoing communication (i.e., regular meetings).
  - Determine the number of children in foster care in the LEA and track school stability of these children.
  - Establish the POC role in developing and implementing the local transportation procedures.
  - Assist child welfare agencies in making BIDs for children in care.
  - Maintain current and accurate information about children in foster care.
  - Identify key personnel in the LEA and in individual schools who will assist in facilitating support for students in foster care.
  - Ensure the POC or a school representative is invited to attend CFT meetings hosted by the local CWA.
  - Ensure the POC is allowed to have input when there is a hearing concerning the student's case.
5. Review policies and practices to identify and remove barriers to immediate enrollment and records transfers (thus streamlining the enrollment protocol to be followed by all school registrars and front office staff).
6. Develop clear written transportation procedures in collaboration with the child welfare agency that has custody of children attending school in the LEA, including the extent to which the LEA agrees to pay or share the costs of transportation with the child welfare agency.
7. Ensure that students in foster care receive school nutrition services without further application.
8. Collect school district information on children in foster care, including academic achievement and graduation rates, and implement student data tracking and monitoring mechanisms that assist in identifying student needs, planning interventions, and monitoring student progress toward graduation. Minimally, data should be reviewed on an annual basis to identify needs and gaps in services for children in foster care.

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9. Identify supports within the district (e.g., Title I, IDEA, and EL) and community for students in care and encourage involvement in extracurricular activities that may support district efforts toward dropout prevention and graduation.
10. Provide foster care-related information and training to district and schools, ensuring that relevant instructional and administrative school staff understand their responsibilities and the needs of children in foster care.
11. Provide education-related information and training (e.g., IDEA, academic support services, dropout prevention, etc.) to local CWAs.
12. Participate in local CWA CFT meetings and court hearings, ensuring that the educational needs of the student in foster care are considered.

### CWA POC Responsibilities

1. Serve as one of the primary contacts between children in foster care and school staff, LEA personnel, and other educational service providers;
2. Coordinate with the corresponding LEA POC on implementation of the Title I provisions including immediate enrollment;
3. Establish a process within the county child welfare agency to notify the educational agency when a child has been placed in foster care in the LEA or when there has been a foster care placement change;
4. Establish a process for coordinating with the LEA on best interest determinations;
5. Facilitate transfer of records including immunizations, medical records, IEPs and Section 504 Plans;
6. Work with LEAs to ensure that children in foster care are immediately enrolled in school, and to coordinate transportation services;
7. Manage best interest determination and transportation cost agreements between the LEA and the child welfare agency;
8. Provide training to LEA and CWA staff on educational needs of children in foster care including state and local policies;
9. Coordinate with the LEA regarding data sharing for children in foster care, consistent with Federal Educational Records Privacy Act (FERPA) and the confidentiality of information provisions in the IDEA;
10. Coordinate services so that children in foster care can access early educational services for which they are eligible, including Head Start and Early Head Start, home visiting, and preschool programs administered by the SEA or LEA, and screening and referrals to health, mental health, dental, and other appropriate services; and
11. Inform parents or education decision makers of children in foster care of the child's education rights and provide public notice of the educational rights of children in foster care to community stakeholders.



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## Data Sharing

Data sharing between child welfare and education agencies can be critical in improving communication and collaboration between agencies serving as a driving force to improve education outcomes for children in foster care. When caseworkers have access to a child's education records, they can monitor and support the educational success of the child, assist with transitions, and make sure the child is receiving appropriate services and interventions. Similarly, when an LEA is aware of which children are in foster care, school professionals have a better understanding of the child's unique needs and can better assist the child in reaching his or her full academic potential.

Given the importance of data sharing to improve the educational outcomes of children in foster care, the implementation of the Title I foster care provisions offers an excellent opportunity for SEAs and LEAs to work with CWAs to build capacity to collect and use data to ensure children in foster care are properly supported throughout their education, in a way that respects student privacy. In all cases, SEAs and LEAs must comply with all statutory requirements to protect student privacy, including FERPA and any other privacy requirements under federal, state, and local law. Likewise, CWAs must comply with all state and federal laws concerning the confidentiality of child welfare records.

Timely completion of the Notification of Placement form and prompt delivery to the appropriate LEA will build capacity to collect and use data to support outcomes for children in foster care. The Notification of Placement form should also be used to communicate to the LEA when a child leaves the custody of a county child welfare agency.